

Remarks

As preliminary matters, the Examiner's acknowledgements of the claim for foreign priority and the receiving of the certified priority documents, as well as the review of the documents of the IDS, are gratefully noted.

A number of amendments to the description are provided which are believed to be corrections of obvious errors which are clear within their contexts. The inconvenience to the Examiner in the correction of these errors which were missed in proofreading is regretted. At page 53, it will be clear that the Grignard reagent was formed from the chloro starting material; and the reported amount (116 g, 0.664 mol, 1.5 eq.) corresponds to C_8H_8ClFO .

In the Office Action, Claims 18-22 and 35-40 are pending; Claims 18-22 and 35-37 are pending; and Claims 38-40 are rejected. To expedite prosecution, Claims 38-40 are canceled without prejudice to the deleted subject matter being claimed in a continuation application.

For completeness of the record, it is noted for the Examiner's attention that the US national stage of the International Application WO 2004/018441 reviewed by the Examiner was granted as US 7,354,920 on April 8, 2008; and that the prosecution of that application included a provisional obviousness-type double patenting rejection with respect to Claims 1-3, 14-18 and 22 of the instant application. No response was provided to that rejection because no patent had yet granted from the instant application.

None of the present amendments introduces any new matter into the application, and entry thereof is respectfully requested. In view of the amendments, it is believed the application is in condition for allowance. Authorization to charge any requisite fees for this amendment and credit any overpayments to Deposit Account Number 05-0840 is included in the transmittal documents for this application.

The Examiner is encouraged to contact the undersigned concerning any further item which will expedite prosecution of the application.

Respectfully submitted,

/Thomas E. Jackson/

Thomas E. Jackson
Attorney for Applicant(s)/Assignee
Registration No. 33,064
Phone: 317-277-3735

Eli Lilly and Company
Patent Division/TEJ
P.O. Box 6288
Indianapolis, Indiana 46206-6288

June 3, 2008